

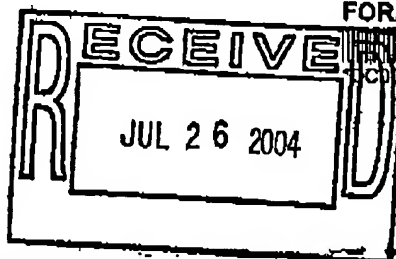


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/822,426	04/12/2004	Paul Deane	122467.02701

21269
PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219



CONFIRMATION NO. 2552
FORMALITIES LETTER
1C010000013322565*

Date Mailed: 07/23/2004

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 07/01/2004 to the Notice to File Missing Parts (Notice) mailed 06/23/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

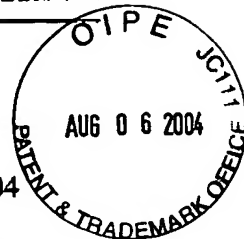
PART 1 - ATTORNEY/APPLICANT COPY

Pepper Hamilton LLP

Attorneys at Law

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500 Grant Street
Pittsburgh, PA 15219-2502
412.454.5000
Fax 412.281.0717
www.pepperlaw.com

FAX INFORMATION SHEET



Date: August 6, 2004
ID Number: 61297
Identifier: 122467.02701

<u>Recipient's Name</u>	<u>Company</u>	<u>General Number</u>	<u>Fax Number</u>
USPTO	Missing Parts Division		(703) 746-4060

Sender: W. Joseph Melnik (RETURN FAX TO K. PUJOL)
Sender's Direct Line: 412.454.5812
Sender's Email Address: melnikj@pepperlaw.com

Total Pages Including Cover:

Comments: Attached is a Response to Notice of Incomplete Response to the Notice to File Missing Parts for Serial No. 10/822,426.

An original or a copy has [] or has not [☒] been sent to you by mail [] or by overnight service [] or by email [].

♦ ♦ If total pages are not received, or an error occurred during this transmission, please call the sender at the direct line listed above. ♦ ♦

♦ ♦ CONFIDENTIALITY NOTE ♦ ♦

The documents accompanying this facsimile transmission contain information from the law firm of Pepper Hamilton LLP which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited, and that the documents should be returned to this Firm immediately. In this regard, if you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

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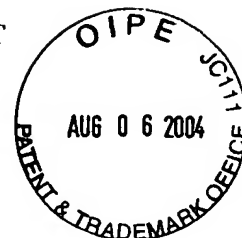
Start Time: : am [] pm [] End Time: : am [] pm []

Operator:

Coversheet Page 1 of 1

Docket No. 122467.02701

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Deane et al. :
Serial No. 10/822,426 : Group Art Unit: 3713
Filed: April 12, 2004 : Examiner: not yet assigned
For: AUTOMATED TEST ITEM GENERATIONAL SYSTEM AND
METHOD

**SUPPLEMENTAL RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Incomplete Reply (Nonprovisional) to the Notice to File Missing Parts of Nonprovisional Application dated June 23, 2004, submitted herewith is the following:

- Fee transmittal Sheet with authorization to debit the deposit account a total of \$65.00; and
- Copy of Notice of Incomplete Response to the Notice to File Missing Parts.

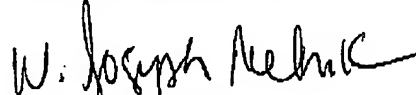
Docket No.: 122467.02701

PATENT

Please charge any shortage in fees due in connection with the filing of these papers, including extension of time fees, to Deposit Account No. 05-0426, and please credit any excess fees to such deposit account.

Respectfully submitted,

PEPPER HAMILTON LLP



W. Joseph Melnik

Registration No. 48,741

One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219
Phone: (412) 454-5000
Fax: (412) 281-0717
Date: August 6, 2004



PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

Complete If Known

Application Number	10/822,426
Filing Date	April 12, 2004
First Named Inventor	Deane
Examiner Name	not yet assigned
Art Unit	not yet assigned
Attorney Docket No.	122467.02701

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit
Account
Number
Deposit
Account
Name

05-0426

Patricia R. Beckman

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 17 - 20** = 0 x 0 = 0
Independent Claims 2 - 3** = 0 x 0 = 0
Multiple Dependent Claims

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 65.00)

SUBMITTED BY

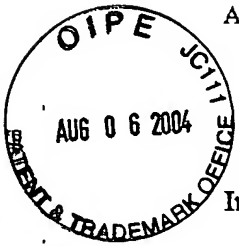
(Complete if applicable)

Name (Print/Type)	W. Joseph Melnik	Registration No. (Attorney/Agent)	48,741	Telephone	412.454.5000
Signature	<i>W. Joseph Melnik</i>	Date	August 6, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Attorney Ref.: 126233.00111

**CERTIFICATE OF FACSIMILE UNDER 37 C.F.R. §1.6 & §1.8**

In re Application of:

Deane et al.

Serial No. 10/822,426

: Group Art Unit: 3713

Filed: April 12, 2004

: Examiner: not yet assigned

For: AUTOMATED TEST ITEM GENERATIONAL SYSTEM AND
METHOD

I hereby certify that this "Response to Notice of Incomplete Response to the Notice of Missing Parts" and all attachments are being sent via facsimile to fax number (703) 746-4060 under 37 C.F.R. §1.6 & §1.8 on August 6, 2004.

Kathleen Pujol

(Typed/printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)